

House Bill 155
1985
Legislative History Summary

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- ❖ It is clear the concern was that spectating was a felony. Uncontested testimony and discussion reflect that spectating is a significant part of animal fighting. The only expressed concern was that spectating was a felony.
 - ❖ It is unclear when and why spectating was removed entirely. The record contains no committee discussion or vote regarding removing the language.
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A BILL FOR AN ACT ENTITLED: AN ACT DECLARING IT A FELONY TO KEEP OR TRAIN AN ANIMAL WITH THE INTENT THAT THE ANIMAL BE ENGAGED IN AN EXHIBITION OF FIGHTING WITH ANOTHER ANIMAL, TO ALLOW OR CAUSE AN ANIMAL TO FIGHT ANOTHER ANIMAL, TO PERMIT A VIOLATION OF THIS ACT TO TAKE PLACE, OR TO AID, ABET, OR BE KNOWINGLY PRESENT AS SUCH FIGHTING BETWEEN ANIMALS; PROVIDING PENALTIES; AMENDING SECTION 45-8-211, MCA.

NEW SECTION. Section 3. Causing animals to fight -- owners, trainers, and spectators -- penalties -- exception.

(1) A person commits the offense of causing animals to fight if he knowingly ...

(c) permits any act in violation of subsections (1)(a) or (1)(b) to take place on any premises under his charge or control, or aids or abets any such act;

(d) participates in or is knowingly present at such exhibition, fighting, menacing, or injuring of an animal for the purpose of sport, amusement, or gain.

●House Judiciary Committee
January 15, 1985

Hearing

"Representative Eudaily stated that he has a problem with charging a spectator with a felony. He thought that perhaps a spectator could be charged with a misdemeanor but not a felony. Representative Harper said that it was a valid concern, but without the participation of spectators, the sport couldn't continue. Therefore, he feels the spectators should be held accountable for their part in the crime."

Executive Action

"Representative Hannah questioned whether or not spectators should be charged with a felony."

Representative Rapp-Svrcek felt very strongly that the felony provision should be left in the bill. Both Representatives Eudaily and Gould felt the felony provision should be left as is even when it involves the spectator. Representatives Addy and Grady also felt that because spectators are part of the dogfighting scheme, they should be held accountable as well."

●Senate Judiciary Committee

March 15, 1985

Hearing

"[Rep. Harper] stated Representative Hannah wanted to come before the committee to testify he believed spectators should suffer the same penalties as those doing the training, and Representative Gould wanted to come before the committee to combat that position."

Further Consideration

"Senator Towe also stated he had some trouble with "participants." He suggested we strike the word "such" on page 3, line 2, and replace it with the word "any." He also suggested changing the working on page 3, line 3, to read "exhibition in which animals are fighting for the purpose of..." He believes that would limit it to a participant.

Mar. 21, 1985

Executive Action

[After discussing Sen. Towe's amendments above and amendments addressing falconry and training of hunting dogs,] "Senator Towe moved adoption of the amendments. The motion carried unanimously. Senator Mazurek stated the other problem we still have is it is a felony to be in attendance. Senator Towe moved HB 155 be amended as follows:

Page 2, line 24.

Following: (c)

Insert: "knowingly"

The motion carried unanimously."

Resulting Language

After these amendments, the language should have read:

(1) A person commits the offense of causing animals to fight if he ~~knowingly~~ ...

(c) knowingly permits any act in violation of subsections (1)(a) or (1)(b) to take place on any premises under his charge or control, or aids or abets any such act;

(d) participates in or is knowingly present at ~~such~~ any exhibition, ~~fighting, menacing, or injuring of an animal~~ in which animals are fighting for the purpose of sport, amusement, or gain.